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# HIGH COURT OF CHHATTISGARH AT BILASPUR

**S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI**

**WRIT PETITION No. 532 of 2005**

**PETITIONER** : Nageshwar Prasad Tripathi Jail Warder (dismissed) aged about 57 years s/o Late Shri Gajanand Tripathi r/o Village-Newari, PO. – Shivpurva, Via-Amarpatan P.S. – Amarpatan, Distt-Satana. (M.P.)

**VERSUS**

**RESPONDENTS** : 1. State of Chhattisgarh, through Secretary, Department of prisons Mantralaya, DKS Bhawan, Raipur Chhattisgarh.

2. Inspector General of prisons, State Of Chhattisgarh, Raipur / State of M.P. Bhopal.

3. The Superintendent, Central Jail, Raipur (C.G.)

4. The Superintendent, 1st class district jail, Bastar Po. & Distt- Jagdalpur (CG)

5. District Jail, Sarguja, Ambikapur, Chhattisgarh.

6. State of Madhya Pradesh, Through Secretary, Department of prisons, Vallabh Bhawan, Bhopal, (M.P.)

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Present: Shri H.B.Agrawal, Sr. Advocate with Shri J.K.Gupta, Advocate for the petitioner.
Shri Satish Gupta, Dy. Government Advocate for the State/respondent no. 1 to 5.
Shri Rajiv Shrivastava, Standing counsel for the respondent no. 6.

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**ORDER**

(Passed on 12th day of April, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner has filed an appeal way back on 30.12.1982 before the Inspector General of Police, State of Madhya Pradesh. The said appeal remains undecided till date. Thereafter, the State of Chhattisgarh was created w.e.f 01.11.2000 pursuant to the operation of provisions of M.P.Re-organisation Act, 2000. Learned counsel seeks direction to the respondents 1 and 6 to consider and decide the appeal in accordance with law within a stipulated time.

2. It is ordered accordingly.

3. The respondent no. 1 and 6 are accordingly directed to decide the pending appeal as early as possible preferably within a period of two months. In the event, the appeal filed before the Inspector General of Prisons, is not available, the petitioner is at liberty to file a fresh appeal before the concerned authorities. The concerned authorities, respondent no. 1 and 6 shall consider the same without objection in regard to delay, if any.

4. The petitioner is at liberty to file a fresh appeal within a period of 15 days and the respondent authorities thereafter are directed to decide the same in accordance with law within a period of three months thereafter from the receipt of the appeal, if any.

5. In view of the above, this petition stands disposed of. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Amit